

State of Rhode-Island, and Providence-Plantations. In General Assembly, October session, 1788

STATE of RHODE-ISLAND, *and* PROVIDENCE-PLANTATIONS. In **GENERAL ASSEMBLY, October Session, 1788.**

WHEREAS his Excellency George Clinton, Esq; President of the Convention of New-York, hath transmitted to the Legislature of this State a Proposal, that a General Convention of the States should take Place, in order that such necessary Amendments may be made in the Constitution proposed for a federal Government, as will secure to the People at large their Rights and Liberties, and to remove the exceptionable Parts of the said proposed Constitution: And whereas this General Assembly conceive it to be the indispensable Duty of the Citizens of this State to be connected in the Union with their Sister States, if it can be done upon the Principles of good Government: And as it is necessary that when any Alterations are to be made in Government which may affect the People at large, the same should originate with and be derived from them:

IT is therefore Voted and Resolved, That the Secretary forthwith cause to be printed a sufficient Number of Copies of Governor Clinton's Letter, with the Amendments proposed by the Convention of the State of New-York, and transmit one as soon as possible to each Town-Clerk in the State; who is hereby directed upon Receipt thereof to issue his Warrant to call the Freemen of such Town to convene in Town-Meeting, to take the same into Consideration, and thereupon to give their Deputies Instructions, whether they will have Delegates appointed to meet in Convention with the State of New-York, and such other States as shall appoint the same; or such other Instructions as they may deem conducive to the public Good; that this General Assembly may know their Determination at the Session to be holden by Adjournment, on the last Monday in December next.

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IT is Ordered, That the Secretary also transmit therewith a Copy of this Act to each Town-Clerk in the State.

A TRUE COPY: Witness, HENRY WARD, Secretary.

In CONVENTION, at POUGHKEEPSIE, State of New-York, July 26, 1788. (CIRCULAR.)

SIR, WE, the Members of the Convention of this State, have deliberately and maturely considered the Constitution proposed for the United States. Several articles in it appear so exceptionable to a majority of us, that noing but the fullest confidence of obtaining a revision of them by a general Convention, and an invincible reluctance to seperating from our sister States, could have prevailed upon a sufficient number to ratify it without stipulating for previous Amendments—we all unite in opinion that such a revision will be necessary to recommend it to the approbation and support of a numerous body of our constituents. We observe that Amendments have been proposed, and are anxiously desired by several of the States as well as by this; and we think it of great importance that effectual measures be immediately taken for calling a Convention, to meet at a period not far remote. We are convinced, that the apprehensions and discontents which those articles occasion cannot be removed or allayed, unless an act to provide for it be among the first that shall be passed by the new Congress.

As it is essential than an application for the purpose should be made to them by two-thirds of the States, we earnestly exhort and request the Legislature of your State to take the earliest opportunity of making it.—We are persuaded that a similar one will be made by our Legislature at their next session; and we ardently wish and desire that the other States may concur in adopting and promoting the measure.

It cannot be necessary to observe, that no government, however constructed, can operate well, unless it possesses the confidence and good will of the great body of the people; and as we desire nothing more than that the Amendments proposed by this or other States be

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submitted to the consideration and decision of a general Convention, we flatter ourselves that motives of mutual affection and conciliation will conspire with the obvious dictates of sound policy, to induce even such of the States as may be content with every article in the Constitution, to gratify the reasonable desires of that numerous class of American citizens, who are anxious to obtain Amendments of some of them.

Our Amendments will manifest that none of them originated in local views, as they are such as if acceded to, must equally affect every State in the Union.—Our attachment to our sister States, and the confidence we repose in them, cannot be more forcibly demonstrated, than by acceding to a government which many of us think very imperfect, and devolving the power of determining whether that government shall be rendered perpetual in its present form, or altered agreeable to our wishes, on a minority of the States with whom we unite.

We request the favour of your Excellency to lay this letter before the Legislature of your State; and we are persuaded that your regard for our national harmony and good government will induce you to promote a measure which we are unanimous in thinking very conducive to those interesting objects.

*We have the Honour to be, with the highest Respect, your Excellency's most obedient Servants, By the unanimous Order of the Convention, **GEORGE CLINTON**, President. His Excellency the **GOVERNOR of RHODE-ISLAND**, &c.*

RATIFICATION of the CONSTITUTION, by the CONVENTION of the STATE of NEW-YORK.

WE the delegates of the people of the State of New-York, duly elected and met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, by the Convention then assembled at Philadelphia, in the Commonwealth of Pennsylvania (a copy whereof precedes these presents) and having

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also seriously and deliberately considered the present situation of the United States, **DO** declare and make known,

That all power is originally vested in and consequently derived from the people, and that government is instituted by them for their common interest, protection and security.

That the enjoyment of life, liberty, and the pursuit of happiness are essential rights which every government ought to respect and preserve.

That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness; that every power jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remain to the people of the several States, or to their respective State governments to whom they may have granted the same; and that those clauses in the Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inferred merely for greater caution.

That the people have an equal, natural and unalienable right, freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favoured or established by law in preference of others.

That the people have a right to keep and bear arms; that a well regulated militia, including the body of the people *capable of bearing arms*, is the proper, natural, and safe defence of a free State.

That the militia should not be subject to martial law except in time of war, rebellion or insurrection.

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That standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and that at all times the military should be under strict subordination to the civil power.

That in the time of peace no soldier ought to be quartered in any house without the consent of the owner; and in time of war only by the civil magistrate, in such manner as the laws may direct.

That no person ought to be taken, imprisoned or 2 this freehold, or exiled or deprived of his privi- anchises, life, liberty or property, but by due of law.

no person ought to be put twice in jeopardy of mb for one and the same offence, nor, unless in case of impeachment, be punished more than once for the same offence.

That every person restrained of his liberty is entitled to an enquiry into the lawfulness of such restraint, and to a removal thereof if unlawful, and that such enquiry and removal ought not to be denied or delayed, except when, on account of public danger, the Congress shall suspend the privilege of the writ habeas corpus.

That excessive bail ought not to be required, nor excessive fines imposed; nor cruel or unusual punishments inflicted.

That (except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment) a presentment or indictment by a grand jury ought to be observed as a necessary preliminary to the trial of all crimes cognizable by the judiciary of the United States; and such trial should be speedy, public, and by an impartial jury of the county where the crime was committed; and that no person can be found guilty without the unanimous consent of such jury. But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in the possession of a foreign enemy, the enquiry and trial may be in such county as the Congress shall by law

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direct; which county in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed. And that in all criminal prosecutions, the accused ought to be informed of the cause and nature of his accusation, to be confronted with his accusers and the witnesses against him, to have the means of producing his witnesses and the assistance of council for his defence, and should not be compelled to give evidence against himself.

That the trial by jury, in the extent that it obtains by the common law of England, is one of the greatest securities to the rights of a free people, and ought to remain inviolate.

That every franchise has a right to be secure from all unreasonable searches and seizures of his person, his papers or his property; and therefore, that all warrant to search suspected places, or seize any freeman, his papers or property, without information upon oath or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such in which the place or person suspected are not particularly designated) are dangerous and ought not to be granted.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or apply to the Legislature for redress of grievances.

That the freedom of the press ought not to be violated or restrained.

That there should be once in four years, an election of the President and Vice-President, so that no officer who may be appointed by the Congress to act as President, in case of the removal, death, resignation or inability of the President and Vice-President, can in any case continue to act beyond the termination of the period for which the last President and Vice-President were elected.

That nothing contained in the said Constitution, is to be construed to prevent the Legislature of any State from passing laws at its discretion, from time to time, to divide

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such State into convenient districts, and to apportion its representatives to and amongst such districts.

That the prohibition contained in the said Constitution, against *ex post facto laws*, extends only to laws concerning crimes.

That all appeals, in causes determinable according to the course of the common law, ought to be by writ of error, and not otherwise.

That the judicial power of the United States, in cases in which a State may be a party, does not extend to criminal prosecutions, or to authorise any suit by an person against a State.

That the judicial power of the United States, as to controversies between citizens of the same State, claiming lands under grants of different States, is not to be construed to extend to any other controversies between them, except those which relate to such lands, so claimed, under grants of different States.

That the jurisdiction of the Supreme Court of the United States, or of any other Court to be instituted by the Congress, is not in any case to be increased, enlarged, or extended, by any fiction, collusion or mere suggestion; and that no treaty is to be construed, so to operate, as to alter the Constitution of any State.

UNDER these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration: **WE**, the said Delegates, in the name and in the behalf of the People of the State of New-York, **DO**, by these presents, assent to and **RATIFY** the said Constitution. In full confidence, nevertheless, that until a Convention shall be called and convened for proposing Amendments to the said Constitution, the militia of this State will not be continued in service out of this State

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for a longer term than six weeks, without the consent of the Legislature thereof; that the Congress will not make or alter any regulation in this State, respecting the times, places, and manner of holding elections for senators or representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the premises; that no excise will be imposed on any article of the growth, production or manufacture of the United States, or any of them, within this State, ardent spirits excepted; and that the Congress will not lay direct taxes within this State, but when the monies arising from the impost and excise shall be insufficient for the public exigencies, nor until the Congress shall first have made a requisition upon this State to assess, levy and pay the amount of such requisition, made agreeable to the census fixed in the said Constitution, in such way and manner as the Legislature of the State shall judge best; pay its proportion, pursuant to such requisition, then the Congress may assess and levy this State's proportion, together with interest at the rate of six per centum, per annum, from the time at which the same was required to be paid.

DONE in Convention at Poughkeepsie, in the County of Dutchess, in the State of New-York, the 26th Day of July, in the year of our Lord one thousand seven hundred and Eighty-eight. By Order of the Convention, **GEO. CLINTON**, President: Attested, **JOHN McKESSON**, **ABM. B. BANCKER**, Secretaries.

AND the Convention do, in the name and behalf of the People of the State of New-York, enjoin it upon their Representatives in the Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following Amendments to the said Constitution in the manner prescribed therein; and in all laws to be passed by the Congress in the mean time, to conform to the spirit of the said Amendments as far as the Constitution will admit.

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That there shall be one representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in the Constitution, until the whole number of representatives amounts to two hundred; after which that number shall be continued or encreased, but not diminished, as Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the apportionment of representatives and direct taxes.

That the Congress do not impose any excise on any article (except ardent spirits) of the growth, production or manufacture of the United States, or any of them.

That the Congress do not lay direct taxes, but when the monies arising from the impost and excise, shall be insufficient for the public exigencies, nor then, until Congress shall first have made a requisition upon the States, to assess, levy and pay their respective proportion of such requisition, agreeably to the census fixed in the said Constitution, in such way and manner as the Legislature of the respective States shall judge best; and in such case, if any State shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest, at the rate of six per centum, per annum, from the time of payment prescribed in such requisition.

That the Congress shall not make or alter any regulation, in any State, respecting the times, places and manner of holding elections for senators or representatives, unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance, be incapable of making the same, and then only, until the Legislature of such State shall make provision in the premises; provided that Congress may p the time for the election of representatives.

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That no persons except natural born citizens, or such as were citizens on or before the fourth day of July, 1776, or such as held commissions under the United States during

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the war, and have at any time, since the 4th of July, 1776, become citizens of one or other of the United States, and who shall be freeholders, shall be eligible to the places of President, Vice-President, or members of either House of the Congress of the United States.

That the Congress do not grant monopolies, or erect any company with exclusive advantages of commerce.

That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two-thirds of the senators and representatives present in each House.

That no money be borrowed on the credit of the United States, without the assent of two-thirds of the senators and representatives present in each House.

That the Congress shall not declare war without the concurrence of two-thirds of the senators and representatives present in each House.

That the privilege of the *Habeas Corpus* shall not by any law be suspended for a longer term than six months, or until twenty days after the meeting of the Congress next following the passing the act for such suspension.

That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular State, and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised as to exempt the inhabitants of such district from paying the like taxes, imposts, duties and excises, as shall be imposed, on the other inhabitants of the State in which such district may be; and that no person shall be privileged within the said district from arrest for crimes committed, or debts contracted out of the said district.

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That the right of exclusive legislation with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, shall not authorise the Congress to make any law to prevent the laws of the States respectively in which they may be, from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States; nor to them with respect to crimes committed without such places.

That the compensation for the senators and representatives be ascertained by standing laws; and that no alteration of the existing rate of compensation shall operate for the benefit of the representatives, until after a subsequent election shall have been had.

That the journals of the Congress shall be published at least once a year, with the exception of such parts relating to treaties of military operations, as in the judgment of either House shall require secrecy; and that both Houses of Congress shall always keep their doors open during their session, unless the business may in their opinion require secrecy. That the yeas and nays shall be entered on the journals, whenever two members in either House may require it.

That no capitation tax shall ever be laid by the Congress.

That no person be eligible as a senator for more than six years in any term of twelve years; and that the legislatures of the respective States may recall their senators or either of them, and elect others in their stead, to serve the remained of the time for which the senators so recalled were appointed.

That no senator or representative shall, during the time for which he was elected, be appointed to any office under the authority of the United States.

That the authority given to the executives of the States to fill the vacancies of senators be abolished, and that such vacancies be filled by the respective Legislatures.

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That the power of Congress to pass uniform laws concerning bankruptcy, shall only extend to merchants and other traders: and that the States respectively may pass laws for their relief of other insolvent debtors.

That no person shall be eligible to the office of President of the United States, a third time.

That the executive shall not grant pardons for treason, unless with the consent of Congress; but may, at his discretion, grant reprieves to persons convicted of treason, until their causes can be laid before Congress.

That the President, or person exercising his powers for the time being, shall not command an army in the field in person, without the previous desire of the Congress.

That all letters patent, commissions pardons, writs and d United States, shall run in the name of the People of the United States, and be tested in the name of the President of the United States, or the person exercising his powers for the time being, or the first judge of the court out of which the same shall issue, as the case may be.

That the Congress shall not institute, ordain, or establish any tribunals or inferior courts, with any other than appellate jurisdiction, except such as may be necessary for the trial of causes of admiralty, and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas; and in all other cases, to which the judicial power of the United States extends, and in which the Supreme Court of the United States has not original jurisdiction, the causes shall be heard, tried, and determined, in some one of the State Courts, with the right of appeal to the Supreme Court of the United States or other proper tribunal, to be established for that purpose, by the Congress, with such exceptions, and under such regulations as the Congress shall make.

That the Court for the trial of impeachments shall consist of the Senate, the Judges of the Supreme Court of the United States, and the first or senior Judge, for the time being, of the highest Court of general and ordinary common law jurisdiction, in each State; that the

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Congress shall by standing laws, designate the Courts in the respective States answering this description, and in States having no Courts exactly answering this description, shall designate some other Court, preferring such, if any there be, whose Judge or Judges may hold their places during good behaviour: provided that no more than one Judge, other than Judges of the Supreme Court of the United States, shall come from one State. That the Congress be authorised to pass laws for compensating the said Judges for such services, and for compelling their attendance; and that a majority at least of the said Judges shall be requisite to constitute the said Court. That no person impeached shall sit as a member thereof—that each member shall, previous to the entering upon any trial, take an oath or affirmation, honestly and impartially to hear and determine the cause; and that a majority of the members present shall be necessary to a conviction.

That persons aggrieved by any judgment, sentence or decree of the Supreme Court of the United States in any cause in which that Court has original jurisdiction, with such exceptions and under such regulations as the Congress shall make concerning the same, shall upon application have a commission, to be issued by the President of the United States, to such men learned in the law as he shall nominate, and by and with the advice and consent of the Senate appoint not less than seven, authorizing such Commissioners, or any seven or more of them, to correct the errors in such judgment, or to review such sentence, and decree as the case may be, and to do justice to the parties in the premises.

That no Judge of the Supreme Court of the United States shall hold any other office under the United States, or any of them.

That the judicial power of the United States shall extend to no controversies respecting land, unless it relate to claims of territory or jurisdiction between States, or to claims of land between individuals, or between States and individuals under the grants of different States.

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That the militia of any State shall not be compelled to serve without the limits of the State for a longer term than six weeks, without the consent of the Legislature thereof.

That the words "without the consent of Congress," in the seventh clause of the ninth section of the first article of the Constitution be expunged.

That the senators and representatives, and all executive and judicial officers of the United States, shall be bound by oath or affirmation not to infringe or violate the Constitutions or rights of the respective States.

That the Legislatures of the respective States may make provisions by law, that the electors of the election districts, to be by them appointed, shall chuse a citizen of the United States, who shall have been an inhabitant of such district for the term of one year, immediately preceding the time of his election, for one of the representatives of such State.

DONE in Convention, at Poughkeepsie, in the County of Dutchess, in the State of New-York, the 26th Day of July, in the year of our Lord one thousand seven hundred and eighty-eight.

By Order of the Convention, **GEO. CLINTON**, President. Attested, JOHN McKESSON, ABM. B. BANCKER, Secretaries.

[PROVIDEN]CE PRINTED BY BENNETT WHEELER.

Town Clerk Foster